

Senate File 202 - Introduced

SENATE FILE 202
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SSB 1016)

A BILL FOR

1 An Act relating to programs and services under the purview of
2 the department of public health.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I

TRAUMA SYSTEM QUALITY IMPROVEMENT

Section 1. Section 147A.25, subsection 1, paragraph h, Code 2013, is amended to read as follows:

~~h. Iowa foundation of medical care director~~ A representative of the state's Medicare quality improvement organization.

DIVISION II

REIMBURSEMENT FOR CERTAIN AUTOPSIES

Sec. 2. Section 331.802, subsection 2, paragraph c, Code 2013, is amended to read as follows:

~~c. The fee and expenses of the county medical examiner who performs an autopsy or conducts an investigation of a person who dies after being brought into this state for emergency medical treatment by or at the direction of an out-of-state law enforcement officer or public authority shall be paid by the state. A claim for payment shall be filed with the Iowa department of public health. If moneys are not appropriated to the Iowa department of public health for the payment of autopsies under this paragraph, claims for payment shall be forwarded to the state appeal board and, if authorized by the board, shall be paid out of moneys in the general fund of the state not otherwise appropriated.~~

Sec. 3. Section 331.802, subsection 4, Code 2013, is amended to read as follows:

4. The county medical examiner shall conduct the investigation in the manner required by the state medical examiner and shall determine whether the public interest requires an autopsy or other special investigation. However, if the death occurred in the manner specified in subsection 3, paragraph "j", the county medical examiner shall order an autopsy, claims for the expense payment of which shall be reimbursed by the Iowa department of public health filed with the state appeal board and, if authorized by the board, shall be paid out of moneys in the general fund of the state not otherwise appropriated. In determining the need for an

1 autopsy, the county medical examiner may consider the request
2 for an autopsy from a public official or private person, but
3 the state medical examiner or the county attorney of the county
4 where the death occurred may require an autopsy.

5 DIVISION III

6 HIV HOME TEST KITS

7 Sec. 4. REPEAL. Section 126.25, Code 2013, is repealed.

8 DIVISION IV

9 TOBACCO CESSATION SERVICES — MINORS

10 Sec. 5. NEW SECTION. 142A.11 Application for services —
11 minors.

12 A minor shall have the legal capacity to act and give
13 consent to the provision of tobacco cessation services by
14 a hospital, clinic, health care provider, or other tobacco
15 cessation services provider. Consent shall not be subject to
16 later disaffirmance by reason of such minority. The consent of
17 another person, including but not limited to the consent of a
18 spouse, parent, custodian, or guardian, shall not be necessary.

19 EXPLANATION

20 This bill includes provisions that relate to programs and
21 services under the purview of the department of public health
22 (DPH). The bill is organized in divisions.

23 Division I relates to the membership of the system
24 evaluation and quality improvement committee for the trauma
25 system in the state. The bill changes the membership by
26 replacing the specific name of the one membership entity
27 with a general reference to the Medicare quality improvement
28 organization in the state.

29 Division II relates to county reimbursement for
30 investigations and autopsies that are for persons who die after
31 being brought into the state for emergency medical treatment
32 by or at the direction of an out-of-state law enforcement
33 officer or public authority; or for autopsies relating to the
34 death of a child under the age of two years if death results
35 from an unknown cause or if the circumstances surrounding the

1 death indicate that sudden infant death syndrome may be the
2 cause of death. Current law directs that claims for these
3 investigations and autopsies are to be filed by counties
4 initially with DPH, and, if moneys are not appropriated to
5 DPH for this purpose, the claims are to then be forwarded to
6 the state appeal board. Under the bill, claims would not be
7 initially filed with DPH, but would instead be filed directly
8 with the state appeal board for authorization of payment
9 from the general fund of the state from funds not otherwise
10 appropriated.

11 Division III relates to human immunodeficiency virus
12 (HIV) home test kits. Current law prohibits a person from
13 advertising for sale, offering for sale, or selling an HIV
14 home testing kit for antibody or antigen testing, and provides
15 civil and criminal penalties as well as injunctive relief for
16 violation of the prohibition. The United States food and drug
17 administration approved the use of such kits in July 2012, and
18 the bill repeals the Code provision prohibiting the HIV home
19 test kits in the state.

20 Division IV of the bill provides that a minor shall have
21 the legal capacity to act and give consent to the provision
22 of tobacco cessation services by a hospital, clinic, health
23 care provider, or other tobacco cessation services provider.
24 Consent is not subject to later disaffirmance by reason of such
25 minority, and the consent of another person is not necessary.